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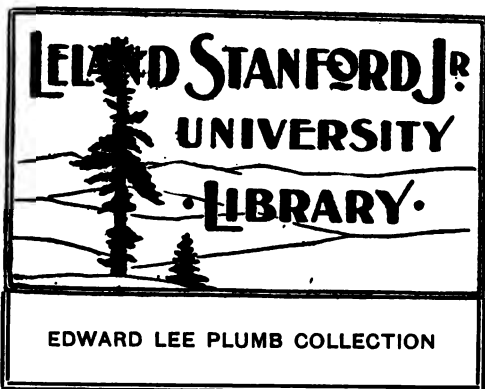
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Arizona Call



ACTS, RESOLUTIONS AND MEMORIALS.

ACTS,
RESOLUTIONS AND MEMORIALS

ADOPTED BY THE

FOURTH LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF ARIZONA.

SESSION BEGUN ON THE FOURTH DAY OF SEPTEMBER, AND ENDED
ON THE SEVENTH DAY OF OCTOBER, A. D. 1867,
AT PRESCOTT.

Harford Library

PRESCOTT:
OFFICE OF THE ARIZONA MINER,
OFFICIAL PAPER OF THE TERRITORY.
1868.

205488

УРАДУ ПРОТМІ

CERTIFICATE.

TERRITORY OF ARIZONA,

OFFICE OF THE SECRETARY.

I, JAMES P. T. CARTER, Secretary of the Territory of Arizona, do hereby certify that the ACTS, RESOLUTIONS and MEMORIALS herein contained are printed as passed by the Fourth Legislative Assembly of the Territory, according to the enrolled copies upon file in my office.



WITNESS my hand and the seal of the Territory, given at Prescott, this first day of November, A. D. eighteen hundred and sixty-seven.

JAMES P. T. CARTER,

Secretary of the Territory.

STANFORD

OFFICERS OF THE TERRITORY.

1867.

FEDERAL.

POSITION.	NAME.	WHERE FROM.	LOCATION.
Governor.....	Richard C. McCormick..	New York....	Prescott.
Secretary	James P. T. Carter.....	Tennessee....	"
Assistant Secretary..	Henry W. Fleury.....	New York....	"
Chief Justice	William F. Turner.....	Iowa.....	"
Associate Justice....	Henry T. Backus.....	Michigan.....	Tucson.
" "	Harley H. Cartter.....	Michigan.....	La Paz.
District Attorney...			
Surveyor General...	Laurens Upson.....		San Francisco.
Marshal.....	Edward Phelps.....	Vermont.....	Tucson.
Supt. Indian Affairs.	George W. Dent	California.....	La Paz.

TERRITORIAL.

POSITION.	NAME.	WHERE FROM.	LOCATION.
Adjutant General...	William H. Garvin.....	Kansas.....	Prescott.
Auditor.....	James Grant.....	California.....	"
Treasurer.....	John T. Alsap.....	California.....	"
Delegate in Congress.	Coles Bashford.....	Wisconsin....	Washington.

УРАДНИ ОБОЧНАТ

THE FOURTH LEGISLATIVE ASSEMBLY.

COUNCIL.

NAME.	RESIDENCE.	OCCUPATION.	AGE.	WHERE BORN.
<i>Yavapai County.</i>				
John W. Simmons.....	Prescott.....	Farmer...	56	Tennessee.
Daniel S. Lount.....	Aqua Caliente...	Miner....	47	Canada West.
Lewis A. Stevens.....	Prescott.....	Farmer...	52	Mississippi.
<i>Mohave County.</i>				
William H. Hardy.....	Hardyville.....	Merchant.	45	New York.
<i>Pak-Ute County.</i>				
Octavius D. Gass.....	Callville.....	Ranchero.	39	Ohio.
<i>Yuma County.</i>				
Alexander McKey.....	La Paz.....	Miner....	40	Kentucky.
<i>Pima County.</i>				
Daniel H. Stickney.....	Tucson.....	Merchant.	55	Massachusetts.
Mortimer R. Platt.....	".....	Lawyer...	31	New York.
Henry Jenkins.....	Tubac.....	".....	55	"

HOUSE OF REPRESENTATIVES.

NAME.	RESIDENCE.	OCCUPATION.	AGE.	WHERE BORN.
<i>Yavapai County.</i>				
James S. Giles.....	Prescott.....	Farmer...	31	Delaware.
John A. Ruah.....	".....	Lawyer...	48	Missouri.
John H. Matthews.....	Kirkland Valley.	Farmer...	47	Alabama.
Edward J. Cook.....	Prescott.....	Merchant.	42	"
Allen Cullumber.....	Walnut Grove...	Farmer...	52	Ohio.
John T. Dare.....	Prescott.....	Printer...	26	New York.
<i>Mohave County.</i>				
Nathaniel S. Lewis.....	Hardyville.....	Miner....	37	Indiana.
<i>Pak-Ute County.</i>				
Royal J. Cutler.....	St. Joseph.....	Farmer...	39	New York.
<i>Yuma County.</i>				
Oliver Lindsey.....	La Paz.....	Farmer...	32	New York.
*B. W. Hanford.....	Eureka.....	Miner....		
*John Henion.....	Williams Fork...	".....		
<i>Pima County.</i>				
Charles W. Lewis.....	Tubac.....	Farmer...	40	Virginia.
John B. Allen.....	Tucson.....	Merchant.	49	Maine.
Marvin M. Richardson...	Tubac.....	".....	41	New York.
Underwood C. Barnett...	Tucson.....	Farmer...	35	Arkansas.
Francis M. Hodges.....	".....	Merchant.	29	Missouri.
Solomon W. Chambers..	Calabazas.....	Farmer...	45	Ohio.
Philip Drachman.....	Tucson.....	Merchant.	37	Poland.

* Did not attend the Session.

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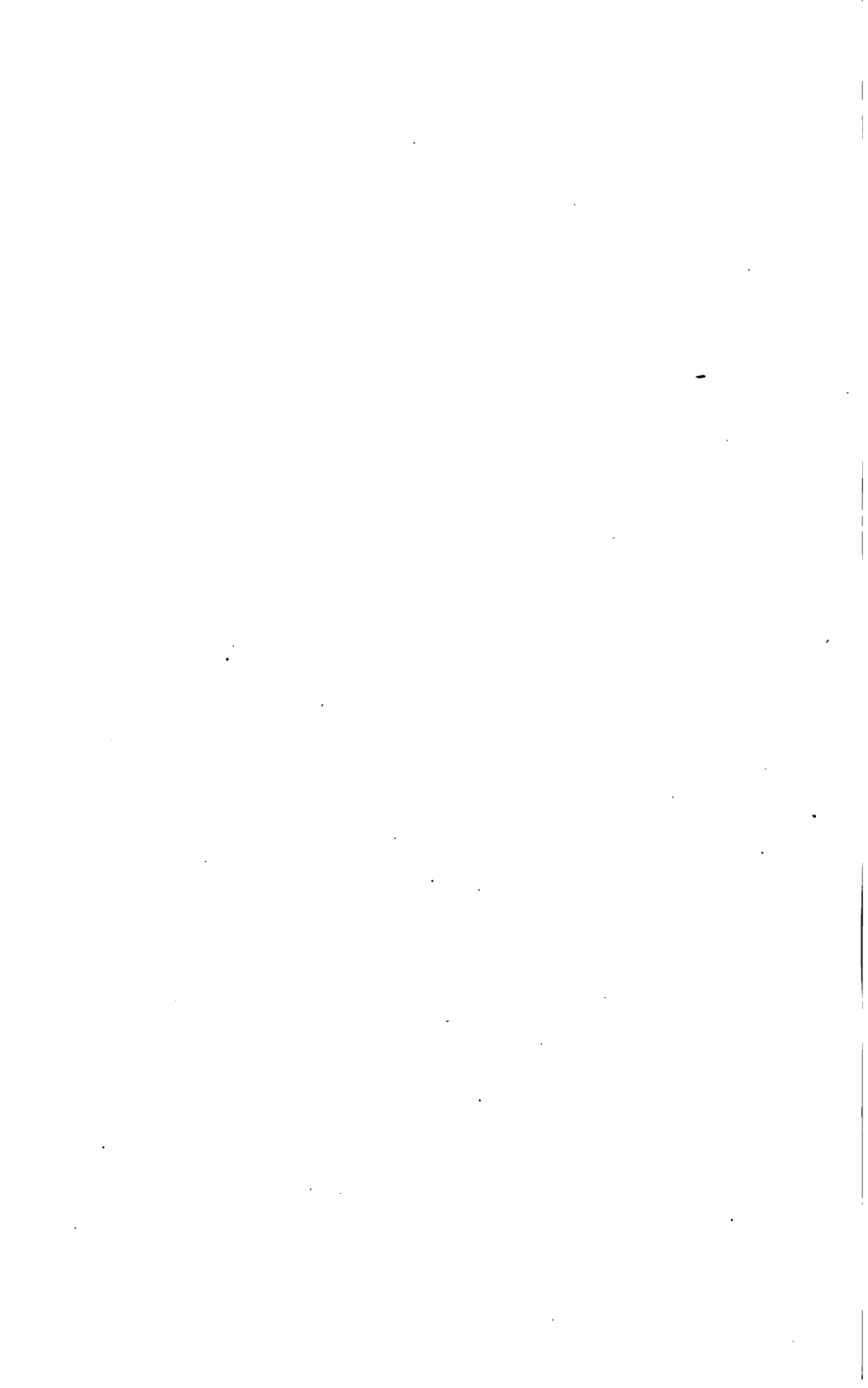
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ACTS.



ACTS.

AN ACT

To Divorce James M. Williams from the Bonds of Matrimony heretofore contracted with Lydia E. Williams, late Lydia E. Francis.

Whereas, It is made to appear to this Legislature, that on the fifth day of July, in the year of our Lord one thousand eight hundred and fifty-six, James M. Williams was duly married to his present wife, Lydia E. Williams.

And Whereas, It is further made to appear that good and sufficient cause exists for the divorcing said James M. Williams from his said wife, Lydia E. Williams.

Now therefore, Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That James M. Williams be and he is hereby divorced from his wife, Lydia E. Williams; that he be and is hereby forever released from the bonds of matrimony heretofore contracted by and existing between them; that he be and is hereby forever absolved and discharged from all duties and obligations by virtue of said marriage, and that said marriage, heretofore contracted and existing as aforesaid, be and the same is hereby annulled.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED September 23, 1867.

AN ACT

To Punish Vagrants, Vagabonds and Suspicious Persons.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. All persons except Indians belonging to civilized

tribes in this Territory, who have no visible means of support, and who within ten days seek neither labor or employment when employment is offered them; all persons except as aforesaid, who roam about from place to place without any lawful business; all persons of notoriously bad character who live without any settled home or lawful occupation, may be arrested and committed to jail and sentenced to hard labor for such time as the court before whom they are convicted shall think proper, not exceeding ninety days.

SEC. 2. It shall be the duty of any Justice of the Peace, on personal knowledge or upon the written complaint of any creditable citizen of the Territory, verified by the affidavit of the complainant, to issue his warrant to apprehend such person or persons, and upon due conviction to send such person or persons to jail, as prescribed in section one of this act.

SEC. 3. The keeper of the jail, or such other person as the Sheriff of the county may appoint, shall be keeper of such prisoners after conviction, and shall employ them at any kind of labor that the Board of Supervisors of the county may direct; and each and every person so convicted shall be secured whilst employed outside of the county jail in such manner as shall prevent the escape of the said prisoner.

SEC. 4. The Board of Supervisors may, when for sufficient cause being shown to them, either on account of the health of the prisoner or on account of good behavior, remit the sentence and punishment of any person imprisoned under this act; *provided*, such person shall give satisfactory security for good behavior in a sum not exceeding five hundred dollars, guaranteed by two responsible sureties; said security to be given by a bond to the county in which the prisoner shall be convicted; and which bond may be sued for and collected in the name of and for the use of said county.

SEC. 5. Appeals may be taken upon conviction to the District Court in the same manner as is now provided by law in other cases.

SEC. 6. This act shall take effect immediately on and after its passage.

APPROVED, September 30, 1867.

AN ACT

To authorize the Sheriffs of the several Counties in the Territory to employ Convicts at some kind of Labor and to secure them while so employed.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the Sheriffs of the several counties in this Territory are hereby authorized to employ convicts who shall have been sentenced to imprisonment in any county jail, at some labor or occupation, either for hire or otherwise, and to receive and account to the Board of Supervisors for any and all moneys received for the labor of such convicts.

SEC. 2. The several Sheriffs are hereby authorized to properly secure convicts employed by them outside the jails so as to prevent their escape.

SEC. 3. All persons who shall have been sentenced either by a Justice of the Peace or by a Court of Record to pay a fine or to stand committed until said fine or the costs attending their trials and conviction shall have been paid, may be employed by the Sheriff of any county, according to the provisions of this act; and the proceeds of the labor of such convicts beyond the cost of their support shall if there be any excess be credited and apply as in payment of the fine or costs for which they severally may be imprisoned.

SEC. 4. This act shall take effect immediately.

APPROVED, September 30, 1867.

AN ACT

To Prevent and Punish the Sale of Spirituous Liquors to Indians.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Any person within this Territory who shall sell or give spirituous liquors to any Indian, shall upon conviction thereof be punished as follows:

SEC. 2. Whenever it shall appear by a complaint made upon the affidavit of the complainant, satisfactory to any Justice of the Peace, that any person has been guilty of selling or giv-

ing spirituous liquor to any Indian within this Territory and within the county or precinct where such justice shall reside, he shall issue a warrant and cause to be arrested the person or persons so offending, who shall be tried before him, and if found guilty and convicted, the person so convicted shall be fined for the first offence twenty-five dollars, together with the costs, and if convicted a second time, the said person so convicted shall be fined not less than fifty dollars together with the costs and imprisoned in the county jail for a period of thirty days.

SEC. 3. This act shall take effect immediately after its passage.

APPROVED September 30, 1867.

AN ACT

To Provide for the Segregation of Mining Claims.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That whenever any one or more joint owners or tenants in common of gold, silver, copper or mineral bearing ledges or claims, may desire to work or develop such ledges or claims, and any other owner or owners thereof shall fail or refuse to join in said work after due notice of at least thirty days given by publication in one newspaper printed in the county in which said ledges or claims are located, and if none be printed in said county, then in any newspaper printed in the Territory, said notice to have publication in four successive weeks of said paper, said other owner or owners may, upon application to the District Court of the district wherein the ledge or claim is situated, cause the interests of said parties so refusing to be set off or segregated as hereinafter set forth.

SEC. 2. The owner or owners of any mineral bearing ledge or claim, after the expiration of said thirty days' notice having been given, may, if the party or parties notified fail or refuse to join in the working or developing said ledge or claim, apply to the District Court of the district wherein the ledge or claim may be situated, for a partition or segregation of the interest or interests of the party or parties so failing or refusing to join.

SEC. 3. The party or parties so applying shall set forth the fact that the said parties have been duly notified in accordance with section one of this act, and that said party or parties

have failed or refused to join in said work; all of which shall be sustained by the oath or affirmation of one or more of the parties applying; and upon such application being made the clerk of the said court shall post a notice at the office of the County Recorder and in two other conspicuous places within the district, stating the application and notifying the parties interested that unless they appear within sixty days and show good cause why the prayer of the petitioner should not be granted, that the same will be granted if good cause can be shown.

SEC. 4. At the expiration of said sixty days, if the party or parties notified do not appear and show good cause why the prayer of the petitioner should not be granted, the court shall appoint two commissioners to go upon the ground and segregate the claims of the parties refusing to join; and in case they do not agree, they to choose a third party; and said commissioners shall make a report in writing to said court, who shall issue a decree in conformity with said report, which shall be final except appeal be taken to the Supreme Court within thirty days after issuance thereof.

SEC. 5. The provisions of this act shall not apply to the county of Yavapai.

SEC. 6. All acts and part of acts in conflict with the provisions of this act are hereby repealed.

SEC. 7. This act to take effect and be in force from and after its passage.

APPROVED September 30, 1887.

AN ACT

To prevent the improper use of Deadly Weapons and the Indiscriminate use of Fire Arms in the Towns and Villages of the Territory.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That any person in this Territory, having, carrying or procuring from another person, any dirk, dirk knife, bowie knife, pistol, gun, or other deadly weapon, who shall in the presence of two or more persons, draw or exhibit any of said deadly weapons in a rude, angry or threatening manner, not in necessary self defence, or who shall in any manner unlawfully use the same in any fight or quarrel, the person or persons so offending upon conviction thereof in any criminal court

in any county of this Territory, shall be fined in any sum not less than one hundred nor more than five hundred dollars or imprisonment in the county jail not less than one nor more than six months, in the discretion of the court; or both such fine and imprisonment, together with the cost of prosecution.

SEC. 2. That any person or persons having or carrying any pistol or gun who shall in the public streets or highways discharge the same indiscriminately, thereby disturbing the peace and quiet, and endangering the lives of the inhabitants of any town or neighborhood in this Territory, such person or persons upon conviction thereof before any Justice of the Peace in the county where such offence may be committed shall be fined in any sum not less than ten nor more than fifty dollars and imprisonment in the county jail not less than two nor more than ten days, in the discretion of the Justice of the Peace, together with the cost of prosecution.

SEC. 3. It shall be the duty of all sheriffs, deputy sheriffs, constables, and all peace officers and private citizens to see that the provisions of section second of this act are enforced, by informing on all persons violating its provisions, by having them arrested and brought before the proper officer for trial and punishment.

SEC. 4. It is hereby made the duty of all civil and peace officers in this Territory to be diligent in carrying into effect the provisions of section one of this act, as well also as all grand juries, or grand jurors, to enquire into and make presentment of each and every offence against the provisions of said section one of this act which shall come within their knowledge. And it is also made the duty of all judges in this Territory to give said section one in charge of the grand juries at each term of their respective courts.

SEC. 5. This act shall take effect and be in force from and after its passage.

APPROVED September 30, 1867.

AN ACT

Amendatory of an act entitled "An Act authorizing the Board of Supervisors of Yavapai County to levy a Special Tax for the purpose of raising funds to purchase the necessary Grounds and to erect thereon a Jail," approved November 6th, 1866.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Said act is hereby amended so as to read as follows:

SEC. 1. That the Board of Supervisors of Yavapai county be and they are hereby authorized and empowered to levy and cause to be collected annually a special tax, the revenue derived from which is to be used by said Board of Supervisors for the purpose of purchasing the necessary grounds in the town of Prescott in said county, and erecting thereon a Court House and Jail.

SEC. 2. For the purposes named in the preceding section, said Board of Supervisors are hereby authorized and empowered to levy and cause to be collected an annual *ad valorem* tax not exceeding fifty cents upon each one hundred dollars value of the taxable property in said county of Yavapai.

SEC. 3. For the purposes aforesaid each male inhabitant of said county, over the age of twenty-one and under sixty years, and not by law exempt from the payment of poll tax, shall pay an annual poll tax of one dollar.

SEC. 4. The tax herein authorized to be levied and collected shall be levied and collected in all respects, and the money arising therefrom paid into the county treasury, in accordance with the provisions of chapter thirty-three, Howell Code, entitled "Of Finance and Taxation;" *provided*, that county warrants or other evidences of county indebtedness shall not be received or paid into the treasury in payment of said special tax.

SEC. 5. The moneys arising from the tax herein authorized shall be set apart and kept by the County Treasurer as a special fund for the use and purposes herein named.

SEC. 6. The said Board of Supervisors are hereby authorized to have said buildings erected whenever they may deem proper; and issue or cause to be issued county bonds bearing interest at the rate of ten per cent. per annum until paid, said bonds to be paid in the order in which they were issued, and when said special tax is collected.

SEC. 7. The total amount of tax collected under the provisions of this act shall not exceed in the aggregate the sum of twelve thousand dollars, exclusive of the expenses of collection and disbursement.

SEC. 8. All acts and part of acts in conflict with the provisions of this act are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

APPROVED October 1, 1887.

AN ACT

For the Removal of the County Seat of Pah Ute County.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the County Seat of Pah Ute county be and the same is hereby removed from Callville to St. Thomas in said county.

SEC. 2. That this act shall take effect and be in full force from and after its passage.

APPROVED October 1, 1867.

AN ACT

Permitting Agricultural Products grown on the Colorado River bottoms within California to be sold in the Territory of Arizona without License.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That all agricultural products grown on the Colorado River bottoms, on the west side of said river, may be sold at any place within the Territory of Arizona without the payment of any license or other tax of any kind for the importation of the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED October 1, 1867.

AN ACT

Amendatory of an Act entitled "An Act Concerning Escheated Estates," approved October 27th, 1866.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That section five of an act entitled an "Act Con-

cerning Escheated Estates," approved October 27th, 1866, be and the same is hereby amended so as to read as follows:

SEC. 5. All moneys which shall accrue to the Territory by the sale of personal or real property of an escheated estate, or from the rents or profits of lands or tenements held as escheated, shall be paid into the Common School Fund of this Territory, to be used only as the Common School Fund is now or shall hereafter be authorized to be used by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED October 3, 1867.

AN ACT

For the Relief of the County Recorder of the County of Yavapai.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the Board of Supervisors of the county of Yavapai are hereby authorized to allow the account of F. G. Christie, County Recorder of said county, for the sum of three hundred dollars for services rendered said county, for which no compensation was provided by law. Said sum to be paid as other demands against the county are paid.

SEC. 2. This act to take effect and be in force from and after its passage.

APPROVED October 4, 1867.

AN ACT

To permanently Locate the Capital, or Seat of Government, of the Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That on and after the first day of November, one thousand eight hundred and sixty-seven, the permanent seat of government and capital of this Territory shall be and the same is hereby established and located at the town of Tucson, in the county of Pima.

SEC. 2. All acts and parts or sections of acts hitherto passed

by the Legislative Assembly of the Territory inconsistent with the provisions of this act are hereby repealed.

APPROVED October 4, 1867.

AN ACT

To Establish the Terms of the Supreme Court and of the District Court of Yuma County.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the session of the Supreme Court for the year one thousand eight hundred and sixty-seven shall be begun and held at the seat of government on the first Monday in October instead of the fourth Monday of October, as now required by law; and that all process and proceedings now pending in or returnable to said court, on the fourth Monday of October, shall be returnable to and proceeded with, at the term of said court hereby established, in the like manner and with the same force and effect, as the same would have been on the fourth Monday of October.

SEC. 2. That the sessions of the Supreme Court shall hereafter in each and every year be held at the seat of government, commencing on the first Wednesday after the meeting of the annual regular session of the Legislative Assembly.

SEC. 3. That the District Courts for the county of Yuma shall be held semi-annually on the first Monday in May and the first Monday in December; *provided*, that the next regular term of said court shall be held on the first Monday in May, A. D. 1868.

SEC. 4. That all acts and part of acts in conflict with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

APPROVED October 4, 1867.

AN ACT

Concerning County Treasurers, County Collectors, and Boards of Supervisors.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The County Collector of each county shall, on the first Monday in January, eighteen hundred and sixty-eight, make a settlement of his accounts with the County Treasurer, and shall on that day turn over and deposit with said Treasurer all moneys, blank license and poll tax receipts, the delinquent tax roll, and all other accounts due the county, taking the Treasurer's receipt therefor.

SEC. 2. The County Treasurer of each county shall, immediately after such settlement with the Collector, pay over to the Board of Supervisors of his county all moneys, blank receipts, delinquent tax rolls, and all evidences of indebtedness to the county, that may be in his possession, together with his books; and the chairman of the board shall give his receipt therefor.

SEC. 3. The Board of Supervisors shall cause the clerk of the Board to open an account with the County Treasurer; and the Board shall pay to said Treasurer all moneys belonging to the county, charging him with the same; shall also furnish and deliver to said Treasurer, countersigned by the chairman of the Board, all necessary blank receipts for county licences and poll taxes, charging the same and the amount thereof to said Treasurer; and shall also deliver to said Treasurer the delinquent tax roll, charging him with the amount thereof. And the County Treasurer shall, on the same day, pay over to the County Collector the delinquent tax roll, and the blank license and poll tax receipts, and take his receipt therefor; and said Collector shall proceed to collect the taxes and licenses as required by law.

SEC. 4. From and after the first day of January, A. D. 1868, the County Treasurer shall return quarterly to the Board of Supervisors, all warrants cancelled by him, with a statement showing to whom each warrant was paid, and the amount of all warrants so returned shall be entered to the credit of said Treasurer in his account.

SEC. 5. It shall be the duty of the Sheriff to pay to the Treasurer, on the first of each month, all money collected by him during the preceding month.

SEC. 6. The books of account of the Board of Supervisors shall be open to inspection at all times.

SEC. 7. On or before the first day of January, A. D. 1868, and from time to time thereafter as occasion may require, the Board of Supervisors shall furnish to the Clerk of the Board, the Sheriff and County Treasurer all necessary books and blank receipts, and none other shall be used by said officers than those so furnished.

SEC. 8. On and after the first day of January, A. D. 1868, all county dues shall be paid in lawful money.

SEC. 9. All outstanding county warrants, and all warrants hereafter issued by a Board of Supervisors, shall be paid in the order in which they are issued: *Provided*, that it shall be the duty of the County Treasurer, whenever he shall have on hand funds to the amount of five hundred dollars, to advertise by publication in some newspaper published in his county, if there be one, if not by posting notices in at least three conspicuous places in said county, that he will redeem warrants to that amount, specifying the numbers of the warrants then in order for redemption. *Provided further*, that if any warrant so specified shall not be presented within ten days from the date of such advertisement, said warrants shall lie over until the succeeding advertisement is made; and warrants next in order shall be paid on presentation.

SEC. 10. If under the provisions of the preceding section the warrant next in order for payment shall exceed the sum of five hundred dollars, the Treasurer shall pay the amount on hand on said warrant, endorsing the same thereon.

SEC. 11. The County Treasurer shall, on the first Monday in January, make a full and complete statement of all moneys received, and from what source; and of all moneys disbursed by him, and transmit a copy of the same to the Territorial Treasurer, and file a copy with the clerk of the Board of Supervisors.

SEC. 12. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 13. This act shall take effect and be in force on and after the thirty-first day of December, A. D. eighteen hundred and sixty-seven.

APPROVED October 4, 1867.

AN ACT

Creating the Office of Public Administrator, and Providing for the Government of the same.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. There shall be elected in each organized county of this Territory, at the next general election in 1868, a Public Administrator, who shall be *ex officio* Coroner in and for his county. Each Public Administrator, hereafter elected, shall take the constitutional official oath, and give such official bond as shall be in amount required and fixed by order of the Board of Supervisors of the county, to be conditioned, secured, approved, filed and recorded as the bonds of other county officers are, and shall be so conditioned as to hold the principal and sureties liable for any breach thereof, made while acting or illegally refusing to act. In either capacity, the official oath shall be for the faithful performance of the duties of both offices.

SEC. 2. The official bond of no Public Administrator shall be less than five thousand dollars, and the Board of Supervisors may, upon good cause shown, require at any time a new bond, or an additional bond to be given on ten days' notice in writing, and if not so given, shall thereupon declare the office vacant, and shall fill the vacancy, by appointment for the remainder of the term, and shall fill a vacancy in like manner if arising from any other cause. Every person elected to the office of Public Administrator, shall qualify within ten days after he shall have been declared elected. Any person appointed to the said office shall qualify in like manner.

SEC. 3. The Public Administrator of each county shall have the right, and it is hereby made his duty, to administer according to law upon the estates of any person who died intestate in or was at the time of his or her death a resident of the county, or had assets therein not administered, or in some other county, or of a deceased stranger, or of a deceased testate, when no executor is appointed, or if appointed fails to qualify, unless administered upon within one month after death of testate, or within the time provided by law for an intestate, by a relative, by blood or marriage within the fourth degree of consanguinity or legal relation, or by the creditors, as is now provided by law.

SEC. 4. Each Public Administrator shall, in the month of December and June in each year, make a verified written report to the Probate Judge, having jurisdiction in the premises, of

all estates of deceased persons which have officially passed into his hands, the value of the same, the expenses, if any, paid thereon, and the balance of property, effects or moneys, if any, remaining in his hands, and the Judge to whom such report is made shall cause it to be made public, by publication or by posting, as he may deem just and right.

SEC. 5. Each executor, administrator and Public Administrator, on final settlement of an estate and proper order of the Court having jurisdiction in the matter thereof, or before final settlement upon the regular order of the Court aforesaid, shall pay over all moneys of each estate to the lawful heirs or legatees or devisees thereof, and if there be none of either, then to the Territorial Treasurer, and if the same be escheated to the Territory, then the Territorial Treasurer shall place the same to a separate fund, to be devoted and pledged to educational purposes.

SEC. 6. No Public Administrator shall be interested in any wise in any expenditures of any kind, made on account of any estate of a deceased person upon which he is administering, save as necessarily made in the due course of such administration, and he shall state in his semi-annual reports, by affidavit, that he had not been so interested.

SEC. 7. It shall be the duty of all persons, especially of all civil officers, to give all information in their possession to the Public Administrator, respecting estates and the property and condition thereof. Public Administrators may, and it is hereby made their official duty, to institute, maintain and prosecute all necessary proceedings or actions at law, or in equity, for the recovery and for the protection of the property, debts, papers, or other estate of any deceased person, upon whose estate they may be administering.

SEC. 8. Public Administrators when acting as *ex officio* Coroners, shall be governed by the same laws by which Justices of the Peace have been, when so acting, and shall receive the same fees allowed heretofore for such services.

SEC. 9. The fees of Public Administrators shall be five per cent. upon the amount of the estate administered by them, which percentage shall be the only compensation allowed for their services.

SEC. 10. The Public Administrator is authorized to administer upon the estates of deceased persons in cases where by law he is entitled to administration by virtue of his office, and shall not be required to make formal application for letters of administration, nor shall he be required to file any bond, except as Public Administrator; *provided*, that the bond of any Public

Administrator may be increased as provided for in section two of this act.

SEC. 11. Any money paid into the Territorial Treasury under the provisions of this act, excepting from an escheated estate, may be recovered by the rightful heirs or legatees thereof in the following manner: Such heir, heirs, legatee or legatees, may present their claim therefor in the Probate Court which had jurisdiction of the final settlement of the estate to which such money belonged, and make proof of the validity of such claim, after notice given to the Attorney General of the Territory to the satisfaction of such court. If satisfied on the hearing that such claimant or claimants are rightfully entitled to the same, the court shall enter a decree that such money be paid to him or them, such decree shall be certified to by the Territorial Auditor, stating the amount found to be due, and the said Auditor shall allow the same, and certify it to the Territorial Treasurer who shall pay the same; *provided*, no action shall be maintained under the provisions of this act, unless commenced within three years next after the final settlement of the estate to which they relate; *and provided further*, that all costs of such proceedings shall be paid by the applicant or applicants. If not applied for within three years as above provided, or applied for and not obtained, such money shall then be placed in the educational fund as provided for in section five of this act.

SEC. 12. All acts and parts of acts, so far only as they conflict with the provisions of this act, are hereby repealed.

SEC. 13. This act shall take effect and be in force on and after its passage.

APPROVED October 5, 1867.

AN ACT

Defining the time for the Qualification of Officers elected at any General Election in the Counties of the Territory, and Legalizing the acts of the Officers holding over in the Counties of Yavapai, Yuma, and Mohave, since the first day of July, and until the first day of December.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the several county officers for the counties of Yavapai, Yuma, and Mohave, elected at the general election for the year 1867, may qualify at any time on or before the first

day of December next, and that they shall respectively take office on said first day of December, anything to the contrary notwithstanding, and with the same force and effect as if they had respectively qualified and entered upon the duties of their respective offices on the first day of July after said general election.

SEC. 2. *And be it further enacted*, That the old officers of said counties now holding over, shall continue to hold and to exercise their respective offices until the said first day of December next, and all official acts heretofore performed by them or either of them, or hereafter to be performed by them, or either of them, until the first day of December next, shall be and are hereby declared to be valid and effectual to all intents and purposes.

SEC. 3. *And be it further enacted*, That the term of office of all county officers, hereafter to be elected, for a full term, at any general election, shall commence on the first day of December next after such general elections, and persons elected may qualify by filing the oaths and bonds required by law, at any time before the time of the commencement of the term.

SEC. 4. That all acts or parts of acts contrary to the provisions of this act be, and the same are hereby repealed, and this act shall take effect on and after its passage.

APPROVED October 5, 1867.

AN ACT

Providing for certain necessary Territorial Expenses.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The Territorial Auditor is hereby authorized to audit and allow the following Territorial expenses :

1st. A sum not exceeding one hundred and fifty dollars per annum for renting a suitable room for the safe and convenient keeping of the Territorial Library.

2d. A sum not exceeding fifty dollars per annum for the distribution of the acts, journals and other documents of each Legislative Assembly.

3d. A sum not exceeding one hundred dollars for the purpose of appropriately lithographing the bonds authorized to be issued by the Fourth Legislative Assembly.

4th. A sum not exceeding three hundred dollars for printing official reports and for other contingent expenses.

SEC. 2. This act shall take effect and be in force from and after the first day of December next.

APPROVED October 5, 1867.

AN ACT

Authorizing the construction of wells on desert roads and exempting the same from taxation by the Territory.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That any person may dig, or bore wells on any unoccupied lands within a distance of not less than ten miles from living water, and not more than one half mile distant from any desert road within the Territory, for the accommodation of travellers thereon, and such well or wells, and all tenements and appurtenances connected therewith of no greater value than three thousand dollars, shall, for a period of two years, from and after the completion of said well or wells, be exempt from taxes by the Territory, except for taxes and license for tavern keeping, and the sale of distilled liquors; *provided*, said well or wells, shall be not less than one hundred feet in depth, and kept in a suitable condition to furnish sufficient water for the accommodation of those who may travel on said road.

SEC. 2. Persons who would avail themselves of the provisions of this act, shall, on the completion of said well or wells, give notice of the same to the clerk of the Board of Supervisor, or to the County Recorder of the county in which said well or wells shall be situated, and the Board of Supervisors shall cause due examination to be made of said well or wells, and if they shall be satisfied that the requirements of the first section of this act shall have been complied with, they shall notify the proper officers that no Territorial taxes, other than those excepted in section first, shall be assessed or collected thereon, for the period of two years from the date and service of such notice.

SEC. 3. This act shall take effect and be in force from and after the first day of January next.

APPROVED October 5, 1867.

AN ACT

Concerning the Territorial Indebtedness.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The Territorial Auditor shall, upon the presentation to him of Territorial Bonds issued under authority of an act entitled, "An act to provide for the contingent expenses of the Territorial Government," approved November 9, 1864, numbered 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 221, 224, 250, audit the interest due on said bonds, and draw his warrant on the Territorial Treasurer for the amount thereof, payable in gold coin of the United States, or its equivalent in U. S. currency, at its current rates in San Francisco, California, at the last advices, and for the principal of said bonds, the Territorial Treasurer shall issue new bonds of the Territory, with coupons for interest attached, payable in United States gold coin, or its equivalent in United States currency at its current rates, in five years from the date thereof, and bearing interest at the rate of ten per cent. per annum, payable semi-annually in United States gold coin, or its equivalent in United States currency at current rates.

SEC. 2. The Territorial Treasurer shall, upon the presentation of the Auditor's warrants, numbered, 8, 9, 11, 12, 16, 32, 41, 56, 60, 65, 67, 68, 74, 76, 81, 82, 83, 84, 87, 89, 91, 94, 95, 97, 98, 101, 102, 103, 104, 107, issue bonds payable in five years from the date thereof, in United States currency, and bearing interest at the rate of ten per cent per annum, payable semi-annually.

SEC. 3. All bonds issued under authority of this act shall be signed by the Governor of the Territory, countersigned by the Territorial Auditor, and endorsed by the Territorial Treasurer, and shall be in the following form, to wit:

TERRITORY OF ARIZONA,

FUNDED DEBT.

Bond No. \$
 day of A. D. 186...

Five years after date the Territory of Arizona promises to pay to the order of the Territorial Treasurer
 Dollars, with interest at the rate of ten per cent. per annum ¹⁰⁰
 from date, payable semi-annually at the Capital of the Territory, for value received. Interest and principal payable in United States gold coin (or currency as the case may be).

..... Governor.

.....
 Territorial Auditor.

FUNDED DEBT.

Coupon No. Bond No.
 dollars are due the
 bearer for interest on Bond No. on the
 day of A. D. 18..... payable at my
 office in (gold or currency as the case may be).

.....
 Treasurer of Arizona.

SEC. 4. No bonds or warrants other than those specified by the aforesaid numbers shall be paid or redeemed by the Territorial Treasurer, except such as are herein, or shall hereafter be provided for by law.

SEC. 5. From the date when this act shall take effect, the salaries of the Territorial Auditor and the Territorial Treasurer shall be for each six hundred and fifty dollars per annum, and no other compensation shall be allowed. The salary of the District Attorney, for the district in which the Capital may be,

shall be one hundred dollars per annum, for services as Attorney General, and no further compensation shall be allowed him as Attorney General, other than the fees prescribed by law.

SEC. 6. The Auditor shall audit, and the Treasurer shall pay the salaries allowed in the previous section, and also all just charges by the several counties for the keeping of Territorial prisoners.

SEC. 7. The Auditor shall not audit, nor shall the Treasurer pay, any demands on the Territorial Treasury other than those authorized by laws enacted by the Fourth and succeeding Legislative Assemblies of the Territory of Arizona.

SEC. 8. The Territorial Treasurer shall draw his warrants quarterly on the several County Treasurers for all moneys that may be due him as Treasurer; *provided*, that from the date when this act shall take effect, all moneys due the Territory, from whatever source derived, shall be paid in United States legal currency.

SEC. 9. When the Treasurer shall have on hand the amount of five hundred dollars more than is sufficient to pay all sums authorized to be paid by the provisions of this act, he shall give notice by advertising that he will purchase bonds issued (and not at that time due), under the authority of this act, and shall accept the lowest bid or bids for said bonds to the amount of funds in the Treasury as aforesaid.

SEC. 10. The Auditor and Treasurer shall each deliver to the Governor annually, not less than twenty days before the annual meeting of the Territorial Legislature, a written statement containing a full exhibit of the accounts of their respective offices, and shall immediately after the convening of the Legislature, transmit a copy of said statement to the House of Representatives.

SEC. 11. All warrants issued by the Territorial Auditor on and after the fifteenth day of August, A. D. 1867, shall be paid only in their regular order, according to their priority of date.

SEC. 12. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 13. This act shall take effect and be in force from and after the first day of December, A. D. 1867.

APPROVED October 5, 1867.

AN ACT

Concerning Common Schools.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The Board of Supervisors of each county within the Territory of Arizona shall have power to establish, within their respective counties, school districts as hereinafter provided.

SEC. 2. Any village or settlement with a resident population of not less than one hundred persons, and covering an extent of country of not more than four square miles may be set apart as a school district.

SEC. 3. Any number of legal voters residing in such district may make application to the Board of Supervisors for the establishment of a public school in said district.

SEC. 4. The Board of Supervisors shall, upon the receipt of such petition, define the boundaries and limits embracing such territory or tract of land on which such settlement is located, and declare the same a school district, numbering such districts in the order in which the same are created.

SEC. 5. The Board of Supervisors shall, immediately on the creation of such district, levy, in addition to the taxes authorized by law to be levied for county and Territorial purposes, a tax of not more than one-half of one per cent. on the assessed value of all the taxable property within the limits of each district, as shown by the last assessment roll of the County Assessor.

SEC. 6. The County Collector shall collect such tax and pay over the same to the County Treasurer, and taking his receipt therefor shall file said receipt with the Board of Supervisors, and the said collections shall form a school fund, and shall be expended as follows:

SEC. 7. The fees of the collector for collecting such tax shall be two and one-half per cent. on all moneys so collected, and the fees of the Treasurer shall be two per cent. for disbursing the same.

SEC. 8. The Board of Supervisors shall determine the site for the holding of schools, and shall purchase, build, or hire such rooms, as in their judgment may be necessary for school purposes, and furnish the same with proper desks, tables, books and seats, and shall from time to time hire competent teachers

for such schools for such periods as the funds on hand may allow.

SEC. 9. This act shall take effect and be in force from and after its passage.

APPROVED October 5, 1867.

AN ACT

To Repeal "An Act to Provide for the Segregation of Mining Claims," approved November 5, 1866.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That an act entitled "An Act to provide for the segregation of mining claims," approved November fifth, A. D. one thousand eight hundred and sixty-six, is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED October 5, 1867.

AMENDMENTS TO THE HOWELL CODE.

AN ACT

Amendatory of Chapter Twenty-nine, Howell Code, "Of Probate Courts."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That section fifty-two of said chapter twenty-nine be and the same is hereby amended so as to read as follows:

SEC. 52. Administration of the estate of a person dying intestate, shall be granted to some one or more of the persons hereinafter mentioned, and they shall be respectively entitled in the following order:

1st. To the surviving husband or wife, or such person as he or she may request to have appointed.

2d. The children.

3d. The father or mother.

4th. The brothers.

5th. The sisters.

6th. The grandchildren.

7th. Any others of the next of kin who would be entitled to share in the distribution of the estate.

8th. Creditors.

9th. Any person legally competent; *provided*, that where there was any partnership existing between the intestate at the time of his death and any other person, the surviving partner shall in no case be appointed administrator of the estate of such intestate.

SEC. 2. This act to take effect and be in force from and after its passage.

APPROVED October 3, 1867.

AN ACT

Amendatory of Chapter Forty, Howell Code, "Of Notaries Public."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That section one of said chapter forty be and the same is hereby amended so as to read as follows:

SEC. 1. The Governor may appoint one or more Notaries Public in each county who shall hold their office for four years respectively, unless sooner removed by the Governor. Whenever the Governor shall appoint a Notary Public the Secretary of the Territory shall transmit the commission of the person so appointed to the County Recorder of the county for which such Notary was appointed, and the County Recorder on receiving such commission shall give notice thereof to the person so appointed.

SEC. 2. Section two of said chapter is hereby amended so as to read as follows:

SEC. 2. The person so appointed before entering upon the duties of his office, and within twenty days after receiving notice of his appointment, shall appear before some officer authorized by law to administer oaths, and take and subscribe the oath prescribed by law, and shall transmit the same to said Recorder, who shall file the same in his office.

SEC. 3. Section three of said chapter is hereby amended so as to read as follows:

SEC. 3. Each Notary Public shall also, before entering upon the duties of his office, and within the time limited for filing his official oath, give a bond to this Territory with one or more sureties, to be approved by said Recorder, in the penal sum of one thousand dollars, conditioned that such Notary shall duly and faithfully discharge the duties of his office, and shall file the same with said Recorder.

SEC. 4. Section four of said chapter is hereby so amended as to read as follows:

SEC. 4. Upon filing the official oath and bond as required by the two next preceding sections, the Recorder shall deliver to the person so appointed the commission received by him for such person, and shall thereupon give notice to the Secretary of the Territory of the filing of such oath and bond, and of the time of filing the same.

SEC. 5. Section seven of said chapter is hereby so amended as to read as follows:

SEC. 7. Whenever the office of any Notary Public shall become vacant, the records of such Notary, and all papers relating to his office, shall be deposited in the office of the County Recorder of the proper county, and any Notary who on his resignation or removal from office shall neglect for the space of three months to deposit such records and papers, and any executor or administrator of any deceased Notary Public who shall neglect for the space of three months after his appointment to deposit with said Recorder all such records and papers as shall come to his hands, shall forfeit and pay a sum not less than fifty dollars nor more than five hundred dollars.

SEC. 6. Section nine of said chapter is hereby so amended as to read as follows:

SEC. 9. The County Recorder of each county shall receive and safely keep all records and papers of Notaries Public directed to be deposited in his office; and shall give certified copies of such papers and records when required, and for such copies he shall receive the same fees as are by law allowed to Notaries Public; and such copies so given by said Recorder shall be as valid and effectual as if given by a Notary Public.

SEC. 7. That the act entitled "An act amendatory of chapter forty of the Howell Code, entitled 'Of Notaries Public,'" approved December 29th, 1865, be and the same is hereby repealed.

SEC. 8. That all acts and parts of acts so far as they conflict with the provisions of this act are hereby repealed.

SEC. 9. That this act take effect and be in force from and after its passage.

APPROVED October 3, 1867.

AN ACT

To Amend and Re-enact Chapter Fifty-two, Howell Code, "Of the Incorporation of Villages."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Chapter fifty-two, Howell Code, is hereby amended and re-enacted to read as follows:

SEC. 2. Any territory not included in any incorporated village which shall contain a resident population of not less than three hundred persons, or any territory not so included which shall contain within its boundaries an extent of not more than two square miles, containing a resident population at the rate of not less than three hundred persons to each square mile of territory included within such boundaries, may be incorporated as a village under the provisions of this chapter.

SEC. 3. Any number of legal voters, not less than fifteen, residing within such territory may make application for the incorporation of such village to the Board of County Supervisors of the county in which such territory, or the larger part thereof, may be situated at any regular session of such Board.

SEC. 4. Such application shall be based on the last census of the resident population of such territory taken by the Sheriff of the county in which such territory may be located.

SEC. 5. Such application shall be by petition, subscribed by the applicants who shall be residents of such territory, describing such territory and setting forth the number of persons residing therein according to such census; such census and the affidavit verifying the same and a copy of the notice herein required, with an affidavit of posting or publishing the same as aforesaid, shall be annexed to such petition, and it shall be presented at the time specified in such notice or as soon thereafter as the applicants can be conveniently heard in respect thereto.

SEC. 6. The Board of County Supervisors shall hear all the

parties interested therein, who shall appear and ask to be heard; it may adjourn the hearing from time to time; it may direct that a new census shall be taken, and appoint a person or persons to take the same; and said Board may refer any question that may arise in respect to such application to three disinterested commissioners, appointed by such Board, who shall examine and report thereon.

SEC. 7. If such Board, after hearing the parties, shall be satisfied that all the requirements of this chapter in respect to such application have been complied with and that such territory contains the population required by this chapter, it shall make an order declaring that such territory shall be an incorporated village, by the name specified in such application, or by such other name as to such Board shall seem proper; and such Board shall in such order appoint three inspectors of election to hold the first election required by this chapter; said Board shall also appoint the time and place of holding the said first election.

SEC. 8. The inspectors so appointed shall immediately give notice of the time and place of holding such election, and the officers to be elected at such election, by posting up written notices thereof in at least three public places in such territory, at least three weeks previous to the day appointed for holding the same or by publishing the same in some newspaper printed in such territory for three successive weeks immediately preceding the time aforesaid. At such election the polls shall be opened at ten o'clock in the forenoon, and shall close at four o'clock in the afternoon.

SEC. 9. Such inspectors shall preside and act as inspectors at such meeting; the Mayor and Councilmen or any three of them may preside at every subsequent election; the Recorder of said village may be clerk thereof, and all the laws of this Territory in relation to the election and canvass of votes, certifying the election of officers and notifying them of their election, shall apply to such first election and to all subsequent elections of officers in such village, so far as the same may be applicable and not inconsistent with the provisions of this chapter.

SEC. 10. Every elector residing in such territory, and qualified to vote at a general election, may vote at all elections in said village.

SEC. 11. The inspectors at such first election, and at all subsequent elections, shall canvass the votes given thereat, shall openly declare the result, and shall make and subscribe a certificate of such canvass, which shall show the whole number of votes given, the number given for each person voted for, and

the office for which he shall have been voted for; which certificate shall be recorded in the records of said village.

SEC. 12. No person not an elector shall be eligible to any office under the provisions of this chapter, and the persons eligible and having the greatest number of votes at any election herein provided for, shall be declared elected; and if two or more shall have an equal and the greatest number of votes the officers presiding at such election shall forthwith determine by lot which shall be deemed elected.

SEC. 13. Every person elected at any election under the provisions of this chapter and whose name is entered on the poll lists as a voter thereat, shall be deemed notified of his election; and every person so elected whose name shall not be so entered, shall be notified of his election within ten days thereafter; and if elected at such first election such notice shall be given by the inspectors presiding thereat; and if elected at any subsequent election he shall be notified by the Recorder of such village.

SEC. 14. The municipal authorities of such village shall be a Mayor and four Councilmen, who shall together form a Common Council, one Marshal, who shall also be Street Commissioner, one Assessor, one Treasurer, one Recorder, and one Pound Master.

SEC. 15. Election for officers (except at the first election) shall be held on the first Tuesday of July in each year, at such place as shall be designated by the Council.

SEC. 16. The Mayor first elected shall hold his office for one year from the first Tuesday in July following his election, and the subsequent term of office of the Mayor shall be two years, and until his successor shall be elected and qualified.

Of the four Councilmen first elected, two shall hold office until the first Tuesday in July following their election, and two until one year from the first Tuesday in July following their election. And the said Councilmen shall at the first meeting of the Council subsequent to their election decide among themselves, by lot, which of their number shall hold office for the long term and which for the short term.

The Marshal, Assessor, Treasurer, Recorder, and Pound Master, who shall be first elected, shall each hold office for one year from the first Tuesday in July following their election. And elections for each of said officers (excepting the Recorder,) shall be held annually thereafter; *provided*, that the term of office of all officers herein mentioned, shall continue until their successors are elected and qualified.

SEC. 17. Every officer elected in such village shall, within ten days after he shall be notified of his election, take and sub-

scribe the oath of office prescribed by law, before any person authorized to administer oaths, and file the same with the Recorder of such village.

Sec. 18. The Council may order a special election to fill any vacancy that may occur in any of the offices mentioned in this chapter; but no special election shall be held until at least ten days' notice shall have been given of the time and place of holding the same, as herein provided.

Sec. 19. It shall be the duty of the Recorder of said village to give at least ten days' notice in writing, by posting the same in at least three public places in said village, of the time and place of holding all elections.

Sec. 20. It shall be the duty of the Mayor to preside at all meetings of the electors, and of the Council, and the Recorder, who shall be *ex officio* clerk of the Council, shall keep in a journal an accurate record of all its proceedings, by-laws, acts and orders, which shall be fully indexed, and open to the inspection of the electors of such village.

Sec. 21. The Mayor and Council of such village, when organized as hereinbefore provided, shall be a body corporate and politic, with perpetual succession, to be known by the name designated as aforesaid, and by that name shall be known in law, and shall be capable of suing and being sued, of pleading and being impleaded in all courts and places, and may have a common seal, and may alter and change the same at pleasure, and may purchase, hold and convey real and personal estate for the use of such corporation.

Sec. 22. The Council shall have power to raise, by general tax levied upon the taxable property liable to be assessed in such village, not exceeding one per cent. in any one year, for the following purposes:

1. For paying the expenses of procuring such village to be incorporated.
2. For making and maintaining such public wells, cisterns and other reservoirs of water, and for procuring the necessary fixtures therefor as may be deemed necessary.
3. For procuring the necessary ground and erecting a pound for the use of such village, and for keeping the same in repair.
4. For purchasing, fencing, ornamenting and improving ground for a cemetery or burial place.
5. For laying out, opening, improving, and making the highways, streets, lanes and alleys in such village.
6. For making and repairing side and cross walks, and improving public grounds.
7. For incidental expenses.

SEC. 23. All taxes raised in such village shall be assessed and collected in conformity, so far as practicable, with the provisions of law in respect to the assessment and collection of taxes by the Board of County Commissioners.

SEC. 24. Treasurer and Marshal of such village shall respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts reposed in them, as the President and Trustees may direct and require.

SEC. 25. The Council shall have power to appoint all other officers necessary under the provisions of this chapter for said villages, whose elections are not herein provided for; to make by-laws and ordinances relative to the duties, powers, and fees of the Marshal, Treasurer, Assessor, and other officers; relative to the time and manner of working upon the streets, commons, lanes and alleys; relative to the time and manner of assessing, levying and collecting all highway and other taxes; relative to the prevention, removal and abatement of nuisances; to construct sewers, cisterns and reservoirs; to dig and maintain public wells; to license showmen; to suppress gaming; to compel the owners of buildings to procure and keep fire buckets; to regulate bridges; to protect the property of the citizens of such village from fires; relative to the calling of meetings of the electors; relative to the keeping and sale of gunpowder; relative to the restraining of swine, horses, and other animals from running at large in the streets, commons, lanes and alleys; to establish, maintain and regulate one or more pounds; to suppress gaming tables kept for gain, hire or reward; for the suppression of riots; for preventing and suppressing disorderly houses, or houses of ill fame; for the apprehension and punishment of vagrants, drunkards and idle persons; to regulate the measurement of firewood and weighing of hay; to prescribe stands for carts or drays, and for wood, hay and produce exposed for sale; to prevent and punish immoderate driving in any of the streets of said village; to prevent encumbering the streets, sidewalks, alleys or public grounds, and to regulate all graveyards and cemeteries within or belonging to said village; to preserve shade and ornamental trees; and to make all such by-laws and ordinances as to them shall seem necessary for the safety and good government of said village and its inhabitants, not inconsistent with the provisions of this chapter or the laws of this Territory; *provided*, that no by-law or ordinance of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said village, or by posting up in at least three public places in said village.

SEC. 26. The Council may prohibit any theatrical or other performance, show or exhibition, it may deem injurious to the morals or good order of the village or town.

SEC. 27. The Council shall have power to lay out and establish, open, make and alter such streets, lanes and alleys, side walks, water courses and bridges as they may deem necessary for the public convenience; and if they shall require the lands of any person for such purpose, the Council shall give notice to the owner or party interested, his, her, or their agent or attorney, either by personal service or by written notice, posted in at least three public places in said village three weeks next preceding the meeting of the said Council for the purpose aforesaid; and the said Council is hereby authorized to contract for and purchase such lands of such owner for the purpose aforesaid; and in case such owner or owners refuse to sell or convey such lands or premises for the purpose aforesaid, or the parties fail to agree, it shall and may be lawful for the Council to order and direct the Clerk to issue a *venire facias*, directed to the Marshal or to any constable in the county in which such village or any part thereof may be situate, commanding him to summon and return a jury of twelve disinterested freeholders, residing without the limits of said village, to appear before any Justice of the Peace in said village at a time to be therein stated, to enquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, to the owner or owners of, or interested in such lands or premises; which jury being first duly sworn by said Justice faithfully and impartially to enquire into the necessity of using such lands or premises, and the just compensation to be made therefor, and after having viewed the premises, if they shall deem it necessary for the village to use such lands, shall enquire and assess such damage and recompense as they may think proper to award to the owner or owners of such lands or premises, according to their respective estates and interests therein; and the said Justice shall, upon the return of the said assessment and verdict, render judgment therefor confirming the same; and such sum or sums so assessed, together with the costs, shall be paid or tendered before such street, lane, alley, or highway shall be opened, established, or altered, to the claimant or claimants thereof. It shall thereupon be lawful for the Council, to cause the said lands and premises to be occupied and used for the purposes aforesaid; *provided*, that any party claiming damages as aforesaid may have the right to remove such proceedings by appeal to the District Court for the county in which such proceedings were had, upon giving notice of his, her, or their intention so to do, to said Justice in writing within ten days, or in case such party does not reside in said village, then within thirty days after the rendition of such verdict, and the judgment thereon as aforesaid; and upon filing a transcript of the proceedings aforesaid, duly certified by said Justice, within forty days after the verdict and judgment aforesaid in the said District Court, the same proceedings shall thereafter be had thereon as is prescribed by law in other cases of appeal; *provided*, that if the final judgment of said court shall not exceed

the damages assessed before the said Justice at least five dollars, the party appealing shall pay the costs occasioned by such appeal.

SEC. 28. Any Justice of the Peace residing within such village may be and is hereby authorized and empowered to enquire, hear and determine all offences committed within the limits of such villages against any of the by-laws, ordinances and regulations of such Council, and to punish the offender or offenders as prescribed by such by-laws and ordinances; *provided*, that any person charged with violating any of said by-laws or ordinances may have a trial by jury as in other cases.

SEC. 29. The Mayor shall be the chief executive officer of the village, and take care that the by-laws, ordinances and orders of the Council are faithfully executed; and shall be *ex officio* Justice of the Peace within the village.

SEC. 30. The Marshal, Recorder, Assessor, and such officers as may be appointed by the Council, shall receive such compensation for their services as the by-laws and ordinances shall direct.

SEC. 31. The Council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received, and of all moneys expended during the year next preceding; which statement shall contain in detail all receipts and expenditures.

SEC. 32. In actions, suits and proceedings wherein the Council of such village shall be a party, no citizen thereof shall be deemed an incompetent witness or juror on account of the interest of such citizen in the event of such action, suit or proceeding; *provided*, that such interest be only such as is held in common with the citizens of said village.

SEC. 33. Process against said corporation may be served by reading the same to, and leaving an attested copy with the Clerk or Mayor of said village; *provided*, that the first process shall be a summons served at least ten days before the return day thereof.

SEC. 34. Every assessment of taxes lawfully imposed or levied by the Council of such village, on any lands, tenements or hereditaments within said village shall be and remain a lien upon such lands, tenements or hereditaments from the time of the delivery of the tax roll to the Marshal until the same is paid; and the owner or occupant of such lands, tenements or hereditaments shall be liable upon demand to pay every such assessment or tax, and in default thereof it shall be lawful for the

Marshal of such village to levy upon and sell personal estate, and for want thereof the real estate so assessed rendering the surplus, if any, after deducting the cost and charges of such sale, to the person against whom the tax is levied; *provided*, that whenever any real estate shall be sold by said Marshal notice thereof shall be published in a newspaper printed in such village, if there be one, or by posting written notices thereof in at least three public places in said village at least four weeks immediately preceding the time of such sale; and the Marshal, on such sale, shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands so purchased, the amount of the bid, and the time when the purchaser thereof will be entitled to a deed for said land; and if the said lands are not, within one year from the date of such sale, redeemed by the payment to the Treasurer of such village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, with interest thereon at the rate of twenty per cent. per annum, from the date of such certificate, the said Marshal, or his successor in office, shall, at the expiration of said year, execute to the said purchaser or purchasers, his or their heirs or assigns, a conveyance of the lands so sold, and the said conveyance shall be *prima facie* evidence that the sale and all proceedings therein prior to such sale were regular; and every such conveyance executed by the said Marshal under his hand and seal, acknowledged and recorded, may be given in evidence in the same manner as a deed regularly executed and acknowledged by the owner and duly recorded; and all personal estate sold for the payment of taxes, shall be sold in such manner as the by-laws and ordinances of such village shall direct.

SEC. 35. Whenever the Assessor of such village shall have completed his assessment roll, and valuation of the property real and personal in such village, he shall give notice thereof by publishing in a newspaper printed in such village, by at least two insertions, or by posting up the same in at least three public places in said village, stating the place where said roll is left for inspection, and the time when and place where he will appear to hear the objections of any person interested, to the valuation so made by him; and at the time and place so appointed, the Assessor shall appear, and on the application of any person considering himself aggrieved, may review and reduce the said valuation on sufficient cause shown to the satisfaction of said Assessor; and any such person shall have the right of appealing from such final decision of the Assessor at any time within five days to the Council, which is in like manner authorized to review said roll, and upon sufficient cause shown to reduce such valuation.

SEC. 36. It shall be the duty of the Council to make out a duplicate of the tax roll charging each individual therein an

amount of tax in proportion to the amount of real and personal estate of such individual within such village, and annex thereto their warrant, signed by the Mayor and Clerk, and deliver the same to the Marshal, whose duty it shall be to collect the said taxes, within such time and in such manner as the by-laws shall direct.

SEC. 37. All moneys received by the Marshal shall be paid over to the Treasurer of said village.

SEC. 38. The Street Commissioner shall superintend and direct the working, planking, repairing, paving, grading and opening, all streets, lanes, alleys, side walks, highways, and bridges, within such village, in such manner as may from time to time be directed by the Council.

SEC. 39. The Council may establish the line parallel to and bounding upon the street or highway upon which buildings may be erected and beyond which such buildings shall not extend.

The Recorder of such village shall hold his office for the term of two years, and shall be a Police Justice of the Peace, and shall have cognizance of all matters arising under and by virtue of this chapter and the by-laws and ordinances of the Council; and may issue all process necessary to enforce the same, with full power to try, hear, and determine all suits, actions, and proceedings instituted under and by virtue of this chapter, in like manner and with like effect as may be done by any other Justice of the Peace by the laws of this Territory, and with like fees; and all process shall be tested and made returnable, and the proceedings shall be conducted in like manner as prescribed for Justices of the Peace by the laws of this Territory, and with like fees; and all process shall be tested and made returnable, and the proceedings shall be conducted in like manner as prescribed for Justices of the Peace by the laws of this Territory; and appeals may be taken from judgments rendered by such Police Justices in the same time and in the same manner as provided in other cases.

SEC. 40. The Marshal shall be a Police Constable for said village, and may serve any process issued by the Police Justice or any other officer by virtue of this chapter; and shall perform all such services as may be required by the Council, and shall be entitled to the same fees as Constables for similar services, and shall be entitled to the same privileges and subject to the same liabilities as Constables in the discharge of similar duties; said Marshal shall have the general supervision of the streets, commons, lanes, public grounds, burial places, and alleys in said village, under the direction of the Council, and shall see that the by-laws and ordinances are properly observed.

SEC. 41. The docket of the Recorder kept by him as such Police Justice, shall be and remain a public record in his office, and shall be delivered over, together with all other books and papers belonging to his office as Recorder, to his successor in office; and his successor in office shall be authorized to continue and complete all proceedings commenced by his predecessor in office as such Police Justice.

SEC. 42. The Council of any village incorporated under the provisions of this chapter when such village is located upon public lands of the United States, the Acts of Congress relative thereto having been complied with, shall have power to plat the village lands, define its corporate limits in such manner that they may be easily recognized, and to sell the lands in such lots and quantities as may be deemed expedient, and for the best interests of the said village. The net proceeds of such sales shall belong to such incorporated village, and shall be paid into its treasury to be used for the purposes hereinbefore provided.

SEC. 43. Any village incorporated under the provisions of this chapter, shall have power in its corporate name to pre-empt or purchase the lands of the United States within or adjoining its corporate limits for the use and benefit of such village, and may plat the same and sell and convey it in such quantities as the Council shall determine upon; and may appropriate so much thereof as they see fit for public grounds, parks or squares. The money arising from the sale of any such lands shall belong to such corporation and shall be used for the purposes provided for in this chapter.

SEC. 44. This act shall take effect and be in force from and after its passage.

APPROVED October 8, 1867.

AN ACT

Amendatory of "An Act amendatory of Chapter Thirty-three, Howell Code, 'Of Finance and Taxation,'" approved December 30th, 1865.

Be it enacted by the Legislative Assembly of the Territory of Arizona,

SECTION 1. That section one of said act is hereby amended to read as follows:

SEC. 1. Section nineteen of said chapter is hereby amended to read as follows:

SEC. 19. An annual *ad valorem* tax of fifty cents upon each one hundred dollars value of taxable property is hereby levied and directed to be collected and paid for Territorial purposes upon the assessed value of all property in this Territory, not by this act exempt from taxation; and upon the same property the Board of Supervisors of each county is hereby authorized and empowered annually to levy and collect a tax for county expenditures not exceeding one dollar and fifty cents upon each one hundred dollars of the taxable property in such county; and upon the same property the Board of Supervisors of each county is hereby authorized and empowered annually to levy and collect such additional or special taxes as the laws of this Territory may authorize or require them to levy and collect; *provided*, however, that whenever the Board of Supervisors levy any tax they shall cause such levy to be entered on the record of their proceedings and shall direct their clerk to deliver a certified copy thereof to the Sheriff and Treasurer of the county, each of whom shall file said copy in his office, and on the first Monday in July in each year the Board of Supervisors shall proceed to estimate and to ascertain the amount of taxes necessary to be assessed upon the taxable property of the county for the year next ensuing not exceeding for all purposes two dollars upon each one hundred dollars of the value of the taxable property in such county. In such estimate they shall specify the amount to be raised for each particular purpose. If for any cause said Board shall not meet on the day above specified, they may meet for such purpose at any time within ten days thereafter.

SEC. 2. This act shall take effect and be in force from and after the first day of January, A. D. one thousand eight hundred and sixty-eight.

APPROVED October 3, 1867.

AN ACT

Amendatory of Chapter Forty-eight, Howell Code, "Of Proceedings in Civil Cases."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That section four hundred and twenty of chapter forty-eight, Howell Code, is hereby amended so as to read as follows:

SEC. 420. A party to an action or special proceeding in any and all courts, and before any and all tribunals, and before any

and all officers acting judicially, may be examined as a witness on his own behalf or in behalf of any other party in the same manner and subject to the same rules of examination as any other witness; *provided*, however, that the assignor of a thing in action, shall not be examined in behalf of said party—nor shall a party to an action be examined in his own behalf in respect to any transaction or communication had personally by said assignor, or said party respectively, with a deceased person against parties who are the executors, administrators, devisees, heirs at law, next of kin, or assignees of such deceased person, when they have acquired title to the cause of action immediately from said deceased person, or have been sued as such by the executors, administrators, devisees, heirs at law, next of kin or assignees. But when such executors, administrators, devisees, heirs at law, next of kin, or assignees shall be examined on their own behalf in regard to any conversation or transaction had between the deceased person and assignor, or said party respectively, then the said assignor or the said party may be examined in regard to such conversation or transaction, but not in regard to any new matter. But if the testimony of a party to the action or proceedings has been taken, and he shall afterwards die, and after his death the testimony so taken shall be used upon any trial, or hearing, in the behalf of his executors, administrators, devisees, heirs at law, next of kin, or assignees, the other party or the assignor of a thing in action shall be a competent witness as to any and all matters to which the testimony so taken relates notwithstanding anything in this section contained to the contrary thereof.

SEC. 2. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

APPROVED October 4, 1867.

AN ACT

To amend Section Twenty-six of Chapter Ten, Howell Code, "Of Crimes and Punishments."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That section twenty-six of chapter ten, Howell Code, of Crimes and Punishments be, and hereby is amended to read as follows:

SEC. 26. Every person convicted of the crime of Man-slaughter shall be punished by imprisonment in the Territorial Penitentiary for a term not less than three nor more than ten years.

SEC. 2. All acts in conflict with this act are hereby repealed.

APPROVED October 5, 1867.

AN ACT

To amend Chapter Eleven, Howell Code, "Of Proceedings in Criminal Cases."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Section three hundred and sixty-eight of chapter eleven, Howell Code, "Of Proceedings in Criminal Cases," approved November tenth, eighteen hundred and sixty-four, is hereby amended so as to read as follows:

SEC. 368. In charging the Jury the Court shall state to them all such matters of law as it may think necessary for their information in giving their verdict. The charges of the Court to the Jury shall be in writing, signed by the Judge, and filed with the papers in the case, unless the defendant consent in open court for the charges to be given verbally.

SEC. 2. This act to take effect and be in force from and after its passage.

APPROVED October 5, 1867.

AN ACT

Amendatory of "An Act amendatory of Chapter Six, Howell Code," approved December 30th, 1865.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That section numbered twenty-three of said act be so amended as to read as follows:

SEC. 23. The County Treasurer of each county in this Territory shall be allowed five per cent. for all moneys received by him as such County Treasurer except moneys received from a former Treasurer.

SEC. 2. All acts and part of acts so far as they conflict with the provisions of this act are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

APPROVED October 5, 1867.

AN ACT

Repealing Section Seventeen, Chapter Fourteen, Howell Code, "Of the Legislature."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That section seventeen of chapter fourteen of the Howell Code, and all acts amendatory thereof are hereby repealed.

SEC. 2. That after the passage of this act, and until another census or enumeration shall have been taken, the apportionment of members of the Legislature shall be made on the basis of the census of the year 1867.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED October 5, 1867.

AN ACT

To amend "An Act amendatory of Chapter Fourteen, Howell Code, 'Of the Legislature,'" approved November 2d, 1866.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That section sixteen of an act entitled "An Act amendatory of Chapter 14, Howell Code, 'Of the Legislature,'" approved November 2d, 1866,

approved Nov. 2d, 1866, be, and the same is hereby amended so as to read as follows:

SEC. 16. The annual meeting of the Legislature shall be on the second Tuesday of November, and shall be held at the seat of government, or Capital of the Territory.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED October 7, 1867.

RESOLUTIONS.

RESOLUTIONS.

• JOINT RESOLUTION

Regarding the Territorial Library.

Be it resolved by the Legislative Assembly of the Territory of Arizona:

1. That the Territorial Auditor be, and he is hereby authorized and instructed to draw a warrant upon the Territorial Treasurer in favor of Richard C. McCormick for the sum of fifteen hundred and fifteen dollars, being the full amount paid by him for books purchased for the Territorial Library according to bills certified to the Committee on Public Buildings, Grounds and Territorial Library of the first Legislature, and accepted under a joint resolution, approved November third, eighteen hundred and sixty-four, and for sums since advanced by Richard C. McCormick for additional volumes purchased for the Territorial Library, and for freight upon the same and upon various public documents presented to the Territory by Congress and the Departments at Washington, according to certain vouchers presented to the present Legislature: That said warrant bear interest at the rate of ten per cent. per annum and that it be paid from the general fund by the Territorial Treasurer according to its number and order, unless in the mean time an appropriation for a Territorial Library is made by Congress, when upon the receipt of said appropriation the amount of said warrant and interest shall be paid therefrom by the officer in whose custody it may be, upon the surrender of the warrant to the Territorial Treasurer.

2. That the Secretary of the Territory is hereby empowered to pay all reasonable and proper charges for freight upon books sent either by government or private parties to the Territorial

Library, taking vouchers for the same and submitting them to the Legislature with his annual report on the Territorial Library for approval.

APPROVED October 1, 1867.

JOINT RESOLUTION

Authorizing a settlement with William S. Oury.

Whereas, by a joint resolution of the Third Legislative Assembly, the Attorney General of the Territory was authorized to settle a certain claim of the Territory against William S. Oury, and there is no evidence that such settlement was made, therefore

Be it resolved, By the Legislative Assembly of the Territory of Arizona,

That in case the settlement as aforesaid has not been made, the Territorial Treasurer of the Territory of Arizona is hereby authorized to settle with William S. Oury for one hundred and five muskets and eighteen thousand rounds of ammunition, belonging to the Territory, and which were heretofore delivered to said Oury, and which remain unaccounted for by him, upon such terms as shall be deemed just and equitable by said Territorial Treasurer; *provided*, said Treasurer shall not receive in said settlement a less sum than one thousand and ninety-five dollars, and in case the same cannot be so arranged, and said claim adjusted, the Territorial Treasurer is hereby instructed to commence suit therefor.

APPROVED October 7, 1867.

CONCURRENT RESOLUTION

Asking that the Territory of Arizona be removed from under the command of Brevet Major General McDowell, and made a separate Military Department.

Whereas, The people of the United States, and particularly those of the frontier territories, occupied by hostile Indians, have been given an implied, if not an expressed, assurance by the Government that the army should protect them and their

property, while struggling against the difficulties and dangers, and enduring the privations incident to the settlement and development of new countries; and whenever an officer of any rank in the military service fails to carry out whatever is necessary to this object, either from inability to comprehend the situation, from mistaken sympathy with the savage, from a disposition to arbitrary use of power, from a lack of definite policy, or from any motive or for any cause whatsoever, it is then the right of the people to petition for relief, and it is therefore

Resolved, By the House of Representatives, the Council concurring, that we do earnestly request that the Territory of Arizona be removed from under the command of the present Department Commander, Brevet Major General Irwin McDowell, and made into a separate Department, with the commanding officer residing within its limits, and reporting directly to Major General Halleck, commanding the Division of the Pacific.

Resolved, That in our present District Commanders, Generals Gregg and Crittenden, Colonels Lovell, Sandford and Price, and their subordinates, we recognize officers of ability, energy and the right disposition, whose combined movements against the hostile Indians will speedily rid us of the incubus which clogs and paralyzes every enterprise here, if they are directed by a competent commander upon the ground, familiar with the movements of the Indians, and prompt to take advantage of the same, as well as to see that the troops are properly supplied, the posts advantageously located, and to secure such additional force as may from time to time be required.

Resolved, That the Secretary of the Territory is hereby requested to forward a copy of these resolutions, with a copy of the message of the Governor, to the Secretary of War, to Generals Grant, Halleck and McDowell, to our Delegate in Congress, and to each of the Senators and Members of Congress from the Pacific coast.

CONCURRENT RESOLUTION

Regarding the Offices of United States Marshal and District Attorney.

Resolved, By the Council, the House of Representatives concurring, that our Delegate in Congress be, and he is hereby requested to urge the attention of Congress to the suggestion of the Governor, in his message, regarding the importance of

fixing an adequate salary to the offices of United States Marshal and United States District Attorney for the Territory.

CONCURRENT RESOLUTION

Regarding Hon. Richard C. McCormick, Governor of the Territory.

Resolved, By the Council, the House of Representatives concurring, that the official and social intercourse of the members of the Fourth Legislature with His Excellency Governor Richard C. McCormick, and the knowledge of his impartial administration of Territorial affairs acquired by them during the present session, confirm them in their confidence in his uprightness, prudence and capability as an officer, vigilant and correct in the discharge of his arduous duties, and earnestly devoted to the promotion of the best interests of the Territory.

CONCURRENT RESOLUTION

Regarding Hon. James P. T. Carter, Secretary of the Territory.

Resolved, By the Council, the House of Representatives concurring, that the thanks of the Fourth Legislative Assembly are due, and are hereby tendered to the Hon. James P. T. Carter, Secretary of the Territory, for the faithful manner in which he has discharged the duties of his office, and for his gentlemenly deportment towards us as representatives of the people.

MEMORIALS.

MEMORIALS.

MEMORIAL.

*Asking that the Governor of the Territory be authorized to raise a
Regiment of Volunteer Troops.*

To the Senate and House of Representatives of the United
States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Arizona, respectfully represent that the people of this Territory are American citizens and loyal to the Government of the United States; and that they have immigrated to the Territory in good faith for the purpose of making the same their home: Believing the Territory to be rich in agricultural and mineral resources they desire to live here, but owing to the hostility of the Indians that infest the whole Territory fear they will be compelled to abandon their improvements and leave the Territory: Already many have been forced to leave their farms and mining operations and seek security within the various towns and military camps throughout the Territory: The damage to our people is fearful: almost every day the sad tidings of the death of some of our citizens reach us—killed by the Indians—scarcely a road or footpath in the Territory is safe for travel: not even in the villages or near the military camps are we secure. Within the past few months our foes have become terribly in earnest and seem determined to drive us from the Territory: Within a short time they have killed many of our best citizens and citizens of other States and Territories who were here for the purpose of examining our mines. Our losses in property are terrible: Within the past few months hundreds of thousands of dollars worth of live stock have been stolen by

the Indian: thereby stopping the farmers and miners from pursuing their avocations, and we are powerless to resist or help ourselves.

The United States troops within the Territory are few, and however willing, are totally insufficient to protect or aid us: we are striving to hold the country, but feel that unless we have speedy assistance will be compelled to abandon the property we still have and leave the Territory: And in our desperate and straightened circumstances we as loyal citizens of the United States call upon Congress to assist us. We are as a people unable to raise and support troops.

We therefore pray your Honorable body to authorize, by act of Congress, the Governor of this Territory to raise in this Territory one regiment of volunteer Cavalry, to be used in the service of the United States and within the Territory for the term of three years or until the Indians are subdued or peace obtained. Your memorialists believe that a regiment of Arizona troops would be more efficient than any other class of troops that can be employed in the service. Their acquaintance with the country, with the haunts and habits of the Indians; their earnest desire to rid the Territory of the common foe, alike commend them for the service in which they are anxious to engage. We would therefore most respectfully urge that should a regiment be raised, its officers be selected entirely from the citizens of the Territory.

Resolved by the House of Representatives, the Council concurring, that our Delegate in Congress, Honorable Coles Bashford, is hereby requested to present the foregoing memorial to Congress as soon as can be done at the opening of that body, and to use all honorable means in his power to secure the passage of an Act in accordance with the said memorial.

Resolved, That the Secretary of the Territory be requested to transmit a copy of this memorial to our Delegate as soon as possible.

APPROVED October 2, 1867.

MEMORIAL

Asking an Increase in the Jurisdiction of Justices of the Peace.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Arizona, respectfully represent that by the Organic Act of

this Territory, the jurisdiction of Justices' Courts within the Territory is limited to the sum of one hundred dollars. That the next Court of original jurisdiction is the District Court. That there are but three judicial districts within the Territory; that the places designated for holding said District Courts are hundreds of miles distant from each other, thus requiring many of our citizens to hazard their lives and incur a ruinous expense in traveling from their places of abode to and from the Court. That but few of our citizens have claims to be adjudicated of a less amount than two or three hundred dollars, and consequently a large majority are required either to abandon said claims or incur an expense equal to the amount sued for. We, therefore, respectfully ask that the said Organic Act may be so amended as to increase the jurisdiction of the several Justices' Courts within the Territory to the sum of three hundred dollars, and your memorialists as in duty bound will ever pray.

Resolved by the House, the Council concurring, that the Secretary of the Territory be requested to forward a copy of the foregoing memorial, and this resolution, to our Delegate in Congress, Hon. Coles Bashford, and that he be instructed to use all honorable means to secure the same a favorable consideration, and immediate action.

APPROVED October 2, 1867.

MEMORIAL

Asking a change in the Customs Revenue District of Arizona.

To the HON. HUGH McCULLOCH, Secretary of the Treasury.

Sir—Your memorialists, the Legislative Assembly of the Territory of Arizona, most respectfully represent:

That the Territory of Arizona is now a part of the Customs Revenue District of New Mexico, and owing to reasons herein-after stated, the collection of duties through New Mexican officials is unavoidably attended with great annoyance and expense to our citizens:

FIRSTLY: All duties are required to be paid in coin, and as the circulating medium of Arizona is currency almost exclusively, it becomes necessary to import all coin required for duties from California at great risk and at an expense of from five to ten per cent. according to distance.

SECONDLY: That our merchants have no business relations

with New Mexico and no method of procuring exchange on any place in that Territory, and exchange on San Francisco not being convertible in New Mexico at par, will not be received by the Collectors.

THIRDLY: That the customs Collectors refusing to accept currency at gold rates, require unreasonable deposits of bullion or currency as security when coin is not on hand, compelling parties to lose the use of their money while they incur the risk and expense of sending to California for coin. A short time since one of our importing firms was compelled to deposit one thousand dollars in currency as security for the payment of four hundred dollars duties in thirty days. Such cases are continually occurring and are productive of much vexation and annoyance.

FOURTHLY: That as Arizona has been separated from New Mexico as far as military matters are concerned, and also as a land district, we are of the opinion that this one of the last connecting links binding the two Territories together should be severed for the benefit of both.

Therefore your memorialists earnestly and respectfully pray that you will relieve them from their present difficulties by causing the Territory of Arizona to be made a separate district for the collection of Customs.

Resolved, By the House of Representatives, the Council concurring, that to promote the object of this Memorial the Secretary of the Territory is hereby requested to transmit a copy of the same to the Hon. Hugh McCulloch, Secretary of the Treasury, and also to our Delegate in Congress.

APPROVED October 2, 1867.

MEMORIAL

Asking that the Act of Congress, approved May 5th, 1866, setting off to the State of Nevada all that part of the Territory of Arizona west of the Thirty-seventh degree of Longitude west from Washington, and west of the Colorado River, be repealed.

To the Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the Legislative Assembly of the Territory of Arizona, having at their last session memorialized your

Honorable body with reference to the setting off of the greater portion of Pah Ute County, and all of Mohave County west of the Colorado River, to the State of Nevada, would again most earnestly but respectfully appeal to your Honorable body for the relief sought and so much desired by all the citizens of Arizona, and especially the inhabitants of the said portions of this Territory.

We, your memorialists, had great hope that the Legislative Assembly of the State of Nevada would listen to our memorial and petition of last year, and would not compel an unwilling people to become a part of their State, when the relations are, and necessarily must ever be unnatural and inconvenient while the relations of Pah Ute and Mohave Counties (the portion in question,) are most natural and convenient to and with those of Arizona Territory. But from a resolution accepting the cession by Congress of said Territory to said State of Nevada, passed January 18, 1867, the Legislature of that State has manifested a determination to take from Arizona this important portion of her Territory, notwithstanding her memorials and petition unanimously signed by the citizens therein and the earnest and solicitous appeal of the Arizona Assembly. Our only hope now is vested in the fact that while that State has made Constitutional provision for the acceptance of Territory on the east and west, she has made none for the south of her limits. Therefore, in the language of Governor Blaisdell, "in order to legally and fully extend the jurisdiction of the State over the ceded territory" an amendment to the Constitution of that State is necessary to conform on the southern boundary to the lines designated "in said grant," and as an amendment to the Constitution of that State, cannot be effected in less than two years, your memorialists do not consider said territory legally under the jurisdiction of that State; and, therefore, most earnestly pray that your Honorable body will repeal the act, ceding to that State said portion of Arizona, approved May 5th, A. D. 1866, and your memorialists will ever pray.

Resolved, That our Delegate in Congress, the Hon. Coles Bashford, is hereby requested to use all honorable means to secure a favorable response to this memorial.

Resolved, That the Secretary of the Territory be requested to forward a copy of this memorial to our Delegate in Congress as early as possible.

APPROVED October 5, 1867.

MEMORIAL

Asking the Honorable Secretary of the Treasury to allow Certain Expenses Incurred by the Territory of Arizona.

To the HON. HUGH McCULLOCK, Secretary of the Treasury.

Sir—Your memorialists, the Legislative Assembly of the Territory of Arizona, respectfully represent that the sums enumerated below have been assumed by the Territory of Arizona as shown by the accounts of the Territorial Treasurer.

To William T. Howell for preparing a Code of laws for the Territory,	\$2,500 00
“ E. A. Bentley for printing said Code,	2,994 75
“ William T. Howell for reading proof of said Code,	250,00
“ T. A. Hand for printing Governor's message, journals, rules &c., of First Legislature,	1,121 00
“ E. A. Bentley for printing Code and Acts of the Territory in the <i>Arizona Miner</i> newspaper,	1,747 00
“ R. C. McCormick for amount paid for enrolling bills passed by the First Legislature,	850 62
“ R. C. McCormick for amount paid P. H. Dunne for composition, press work, paper and binding Governor's message (1864,) and compendium of laws of the First Legislative Assembly in Spanish,	950 00
<hr/>	
Making a total of	\$10,413 37

Ten thousand four hundred and thirteen 37-100 dollars, all of which your memorialists believe should, under the provisions of the Organic Act, and according to the customs of the Government in regard to other Territories, be paid out of the United States Treasury.

Your memorialists further represent that the population of the Territory is small, that the Territory is now in debt with increasing expenses, that in no year since the organization of the Territory has the appropriation allowed by Congress been consumed, and that they therefore most respectfully and confidently ask that the amount of ten thousand four hundred and thirteen and 37-100 dollars be allowed the Territory of Arizona from the United States Treasury for the payment of the accounts aforesaid. Therefore,

Resolved, That the Secretary of the Territory, the Hon. J. P. T. Carter, is hereby requested to transmit a copy of this memo-

rial to the Hon. Hugh McCulloch, Secretary of the Treasury, and to use all honorable means in his power to have the amount aforesaid allowed the Territory of Arizona.

APPROVED October 5, 1867.

MEMORIAL

Asking an increase in the Pay of the Members and Officers of the Legislative Assembly.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Arizona, respectfully represent, That whereas the Organic Act of the Territory provides that the pay per diem of the members of the first and subsequent Legislative Assemblies shall be three dollars during their attendance at the sessions thereof, and the officers of the said Legislative Assemblies are allowed a like compensation. And whereas on account of the difficulty, danger and expense of travel, and the necessarily high price of living while in attendance upon the sessions of the Legislative Assembly, (amounting to more than three dollars per day,) and whereas it is manifestly unjust that such compensation should be laid at so low a rate, subjecting the members and officers in attendance upon the sessions of the Legislative Assembly to a necessarily heavy expense over and above their pay by the General Government: Therefore, your memorialists would most respectfully ask your Honorable body to so amend the Organic Act as to allow six dollars per diem for each member and officer in attendance on all subsequent sessions of the Legislative Assemblies of this Territory, and to allow double the present rates of mileage to said members of the Legislative Assemblies.

Resolved, By the Council and House of Representatives that our Delegate in Congress, Hon. Coles Bashford, be, and he is hereby requested to use all honorable means to bring this subject to the favorable consideration of Congress.

And be it further *resolved* that the Secretary of the Territory be requested to transmit a copy of the foregoing memorial and resolutions to our Delegate in Congress.

APPROVED, October 5, 1867.

MEMORIAL

Asking an appropriation for the construction of Military Roads and Wells upon the same.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Arizona, most respectfully represent: That the isolated condition of the population of the Territory, their remoteness from the sources of supplies, the length and roughness of the roads over which all the supplies for the people and the military and the material and implements for the development of the resources of the country must necessarily be transported tend greatly to retard its prosperity, render all enterprises uncertain, and defeat to a great extent the success of every purpose and business, whether civil or military. Your memorialists fully believing that communication with the States on the east and California on the west, by direct and well constructed wagon roads, would greatly hasten the development of the vast resources of the country, would secure a large increase of population, and be of important usefulness and saving to the military department of the Territory, would respectfully and earnestly pray that a military wagon road be constructed by the General Government from San Bernardino, in the State of California, by the way of La Paz and Prescott, to Albuquerque, in New Mexico, and that a similar branch road be constructed from the Colorado River, at some point at or near La Paz, intersecting the main road at or near that place by the way of Tucson, to some point on the Rio Grande, and that an appropriation of two hundred thousand dollars be made for the purpose of sinking wells upon said roads, and that said appropriation be distributed to such roads in proportion to their distances; and, as in duty bound, your memorialists will ever pray.

Resolved, That our Delegate in Congress, Hon. Coles Bashford, is hereby requested to use all honorable means in his power to secure the attention of Congress to this subject, and that the Secretary of the Territory be requested to transmit a copy of this memorial to our Delegate in Congress.

APPROVED October 5, 1867.

MEMORIAL

Asking that the Quartermasters at the Several Military Posts in this Territory be Authorized to Purchase Certain Supplies in Open Market.

To the Honorable, the Secretary of War of the United States:

Sir—Your memorialists, the Legislative Assembly of the Territory of Arizona, respectfully represent: That the supplies of grain used for forage in the Quartermasters' Department, and of flour and beans in the Commissary Department in this Territory are at present and have been mostly furnished from the State of Sonora, in Mexico, and the State of California. The result of the contract system which has hitherto controlled their purchase in the Quartermasters' Department in this Territory. This system was, until within the past two years, necessary for the reason that the surplus products of the Territory were insufficient to supply the wants of the Government.

Encouraged by a prospective demand, the people of the Territory have greatly increased its agricultural products; until now there is an abundant supply both for the people and the Government. The only market these producers have for their surplus products, until the mines in the Territory can be safely worked, is that furnished by the Government, and it would seem to be the duty of the Government to encourage a people who are struggling to reclaim this portion of its public domain from the possession of hostile Indians by extending to them all the aid possible for its development, especially when such aid can be furnished without cost to the Government.

Your memorialists would respectfully ask that the Quartermasters at the several military posts within this Territory be authorized to purchase hay and grain for forage, as well as flour and beans, in open market at a price fixed, fully believing that each of these articles would be procured cheaper than now, and the growers would save the profits now paid to contractors; a large drain of coin would be saved which now goes to Mexico, for which we gain no reciprocal advantage. Industry would be stimulated, inducements to emigrants to settle the country afforded, thus making the Territory more able to protect itself. Your memorialists believe that no measure which could be adopted would tend more to the real benefit of the interests of the Territory than this, and that at no cost to the Government.

Respectfully calling your special attention to the subject your memorialists would ever pray.

Resolved, By the Legislative Assembly of the Territory of Arizona, that the Secretary of the Territory be requested to transmit to the Honorable, the Secretary of War, a copy of this memorial, and also to the Hon. Coles Bashford, our Delegate in Congress.

APPROVED October 7, 1867.



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